

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TIM GRIMALDI,

Plaintiff,

vs.

NEVADA DIRECTOR OF PRISONS,
et al.,

Defendants.

3:12-cv-00623-RCJ-WGC

ORDER

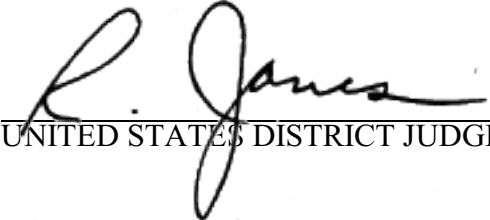
Plaintiff is a prisoner proceeding *pro se* and has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1). By order filed May 17, 2013, this Court denied plaintiff's application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(g). (ECF No. 3). Plaintiff cannot proceed *in forma pauperis* in this action or any other civil action filed in any federal court because he has had three or more prior actions dismissed for failure to state a claim upon which relief may be granted, or as frivolous or malicious. Moreover, plaintiff failed to plausibly allege that he is in imminent danger of serious physical injury. *See Andrews v. Cervantes*, 493 F.3d 1047, 1055 (9th Cir. 2007) (holding that the exception to § 1915(g) applies "if the complaint makes a plausible allegation that the prisoner faced 'imminent danger of serious physical injury' at the time of filing."). As such, the Court ordered plaintiff to pay the full \$350.00 filing fee within thirty days. (*Id.*). The thirty day period in which to pay the filing fee has expired, and plaintiff has not paid the filing fee, nor responded to the court's order in any way. The order denying plaintiff's *in forma pauperis* application warned plaintiff that failure to pay the full \$350.00 filing fee within thirty days would

1 result in dismissal.

2 **IT IS THEREFORE ORDERED** that this action shall be **DISMISSED** without prejudice
3 for failure to pay the filing fee and pursuant to 28 U.S.C. § 1915(g).

4 **IT IS FURTHER ORDERED** that the Clerk of Court shall enter final judgment
5 accordingly.

6 Dated this 9th day of July, 2013.

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9 UNITED STATES DISTRICT JUDGE
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